

REMARKS

Claims 1–18 are pending. The claims, as originally submitted were numbered 1–19 with no claim 13. The claims 14–19 have been renumbered as claims 13–18.

Claims 5, 6, 7, 8, 9, 12, 13, 14, 15, and 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 24 of U.S. Patent No. 6,652,720. Claims 10, 11, 17, and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 24 of U.S. Patent No. 6,652,720 in view of U.S. Patent No. 4,950,378 to Nagata. Applicants respectfully traverse these rejections of claims 5–18. In order to expedite prosecution of this application, Applicants would consider filing a terminal disclaimer over the presently pending claims if these claims are allowed. Applicants respectfully decline to submit an executed terminal disclaimer in this Response for the following reason. No claim is currently allowable and later actions in the prosecution may render the issue of double-patenting moot. For example, Applicants may elect to later file new claims in this application (in a Request for Continued Examination, for example) to patentably distinct subject matter. Such claims would also be subject to the earlier filing of the terminal disclaimer, even though the newly claimed subject matter would not be subject to a double-patenting rejection. Further, claims subject to the double-patenting rejection may be canceled in future actions, again rendering the double-patenting rejection moot.

Rejections under 35 U.S.C. §112

Claims 5–11 and 18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 5 has been amended to correct the lack of antecedent basis for the limitation "electrochemical sensor system." Claims 11 and 18 have been clarified by being amended to recite that the potential referred to in these claims is the potential applied to remove the interfering agents.

Rejections under 35 U.S.C. § 102

Claims 1–3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,162,077 to Bryan ("Bryan"). Applicants respectfully traverse this rejection. Bryan teaches a device for in situ cleaning of a sensor membrane. Bryan's device includes electrodes disposed in

a process solution external and adjacent to the membrane and electrodes of a sensor inserted into the solution. See, e.g., column 1, lines 42–46. A current passes between the external electrodes, producing ions at the surface of the sensor membrane, thereby removing contaminants from the membrane surface. See abstract. Bryan does not teach or suggest applying an electrical current to the electrode of an electrochemical sensor, as recited in independent claim 1. Rather, Bryan teaches passing a current to electrodes that are external to the membrane and electrodes of a sensor. See, e.g., Figure 2 and corresponding text. Applicants submit that, for at least this reason, claim 1 and claims 2 and 3 dependent therefrom are allowable in view of Bryan. Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b).

Claims 1–3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,950,378 to Nagata ("Nagata"). Applicants respectfully traverse this rejection. Nagata teaches an electrode refreshing device for removing substances formed on the surface of a working electrode. See abstract. The working electrode is made of platinum. See column 5, lines 28–29. Nagata does not teach or disclose applying an electrical potential to remove interfering agents from a polymeric composite membrane, as recited in independent claim 1. Applicants submit that, for at least this reason, claim 1 and claims 2 and 3 dependent therefrom are allowable in view of Nagata. Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b).

Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,478,950 to Peat ("Peat"). Applicants respectfully traverse this rejection. Peat teaches a sensor module that includes a micro-porous barrier that separates an electro-chemical sensor from the environment. See abstract. The micro-porous barrier is formed from steel. See column 2, line 25. Peat does not teach or disclose applying an electrical potential to remove interfering agents from a composite membrane comprising a polymeric membrane, as recited in independent claim 1. Instead, Peat teaches removing material from a steel micro-porous barrier. Applicants submit that, for at least this reason, claim 1 is allowable in view of Peat. Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b).

Rejections under 35 U.S.C. § 103

Dependent claims 2 and 4 are rejected as being obvious in view of Bryan. The Examiner relies on Bryan to teach all of the elements of claim 1, and states that the electric potentials recited in claims 2 and 4 would be obvious to one of skill in the art. Applicants submit that dependent claims 2 and 4 are patentable for at least the same reasons that claim 1, from which they depend, is patentable.

Dependent claims 2–4 are rejected as being obvious in view of Peat. The Examiner relies on Peat to teach all of the elements of claim 1, and states that the electric potentials and times recited in claims 2–4 would be obvious to one of skill in the art. Applicants submit that dependent claims 2–4 are patentable for at least the same reasons that claim 1, from which they depend, is patentable.

Dependent claim 4 is rejected as being obvious in view of Nagata. The Examiner relies on Nagata to teach all of the elements of claim 1, and states that the electric potential recited in claim 4 would be obvious to one of skill in the art. Applicants submit that dependent claim 4 is patentable for at least the same reasons that claim 1, from which it depends, is patentable.

Information Disclosure Statement

Applicants enclose a Supplemental Information Disclosure System, as well as a check to cover the requisite fee. The examiner is requested to consider the cited references, and to return an initialed Form PTO-1449 to the undersigned attorney for the Applicants with the next Office action.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all claims are now in condition for allowance.

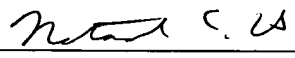
If the Examiner believes that a telephone conversation with Applicants' attorney would expedite allowance of this application, the Examiner is cordially invited to call the undersigned attorney at (617) 310-8327.

Applicants believe that all required fees have been paid. If any error has been made in the payment of fees, please charge any additional fee occasioned by this paper to our Deposit Account No. 20-0531.

Respectfully submitted,

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